

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Workshops for the Adoption of Regulations to Assess Fines and Penalties for Violations of Nevada Water Law

Division of Water Resources

The Division of Water Resources will hold public **workshops** at the following locations and times:

DATE: July 11, 2008
TIME: 9:00 a.m. – 11:00 a.m.
PLACE: Bryan Building (NDWR Office)
Tahoe Hearing Room, 2nd Floor
901 S. Stewart Street
Carson City, Nevada

DATE: July 16, 2008
TIME: 2:30 p.m. – 4:30 p.m.
PLACE: White Pine County Library
Meeting Room
900 Campton
Ely, Nevada

DATE: July 15, 2008
TIME: 12:00 N – 2:00 p.m.
PLACE: Humboldt County Courthouse
County Meeting Room, 201
50 West 5th Street
Winnemucca, Nevada

DATE: July 17, 2008
TIME: 12:00 N – 2:00 p.m.
PLACE: Tonopah Convention Center
Blue Room
301 W. Brougner
Tonopah, Nevada

DATE: July 15, 2008
TIME: 6:00 p.m. – 7:30 p.m.
PLACE: Elko County Library
Meeting Room
720 Court Street
Elko, Nevada

DATE: July 21, 2008
TIME: 6:00 p.m. – 10:00 p.m.
PLACE: Las Vegas Valley Water District
Mead Conference Room
1001 S. Valley View Blvd.
Las Vegas, Nevada

The Division of Water Resources will hold a public **final adoption hearing** at the following location and time:

FINAL ADOPTION HEARING

DATE: July 24, 2008
TIME: 9:00 a.m. – 11:00 a.m.
PLACE: Bryan Building (NDWR Office)
Tahoe Hearing Room, 2nd Floor
901 S. Stewart Street
Carson City, Nevada

Please note: July 24th in Carson City is the final adoption hearing.

The purpose of the workshops is to receive comments from all interested persons regarding the adoption of regulations that pertain to Chapters 532 through 536 of the Nevada Revised Statutes (NRS).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The mission of the Nevada Division of Water Resources (NDWR) is to conserve, protect, manage and enhance the State's water resources for Nevada's citizens through the appropriation and reallocation of the public waters. These regulations are intended to:
 - a. Assure the protection of Nevada's water resources and the public welfare by promoting compliance and deterring noncompliance with the statutes, regulations, permits, certificates, waivers and orders administered and issued under the Division's authority; and
 - b. Assure that the State Engineer assess any administrative penalties lawfully, fairly, and consistently; and
 - c. Clarify the Division's authority to enforce the statutes, regulations, permits, certificates, waivers and orders administered by the State Engineer.
2. A hard copy of the proposed regulations can be viewed at the County Library, State Library, State Archives, our branch offices in Las Vegas, Elko, Winnemucca and Carson City; or can be downloaded from the Division's website on the Internet at <http://water.nv.gov>. In all counties in which an office of the agency is not maintained, a copy can be viewed at the main public library during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Council Bureau pursuant to NRS § 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.
3. The fines and penalties being proposed herewith will have no impact on small businesses that are compliant with the terms of their permits, orders, or other controlling document issued by the Division of Water Resources.
4. There will be no adverse economic effect of the regulation to both businesses and the general public as long as those entities are compliant with the law. If all the entities are compliant, there will be a beneficial effect in terms of water resource reliability through better management of the basin.
5. There will be no immediate or long-term effects as a result of these regulations as long as the regulated entities are compliant.
6. Although no additional staff was given to the Division during the legislative session where these regulations were authorized, we believe that a minimum enforcement branch comprising one engineer and one clerical staff will be needed to initially institute this

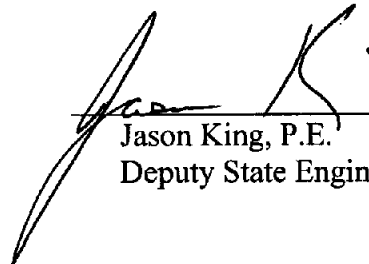
program. The cost for one Staff II Engineer and one Management Assistant I is estimated at \$114,000.

7. These regulations do not overlap or duplicate any other state or local regulations or ordinances.
8. The proposed regulation is not required pursuant to a federal law.
9. The proposed regulation does not duplicate nor is more stringent than federal law.
10. The proposed regulation established no new fee or an increase to an existing fee.

Interested persons wishing to comment on the proposed regulation may do so by appearing at the above scheduled workshops or by submitting written comments to the Division of Water Resources, 901 South Stewart Street, Suite 2002, Carson City, Nevada 89701 by July 23, 2008. The deadline for submitting written comments may be extended at the time of workshop. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division of Water Resources may proceed immediately to act upon any written submissions.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

Dated this 25th day of
June, 2008.



Jason King, P.E.
Deputy State Engineer